

Jones, as opposed to being necessarily the same. This is illustrated repeatedly throughout Jones and is emphasized from the beginning as can be seen in column 1 of Jones at lines 17-21 wherein Jones teaches that the invention relates to surfactant products and to the process for producing the same where the products consist of substantially straight chain alkyl-substituted aromatic compounds. This theme is repeated throughout the Jones disclosure. For example, the Applicant invites the Examiner's attention to column 3 beginning at line 50 wherein Jones emphatically states that the source of the alkylating agent to provide the straight chain alkyl-group on the aromatic nucleus of the intermediate alkylate is the "all-important" variable in the process.

Then, in column 4, beginning at line 61, Jones teaches that it is an objective to produce alkylate products containing alkyl groups of "maximum linearity." This can further be seen in column 6 beginning at line 22 wherein Jones teaches that the straight chain aliphatic hydrocarbon separated from the mixture of hydrocarbon isomers is in accordance with the disclosed process converted to an olefin alkylating agent by dehydrogenation of the normal paraffins. The term "normal" is one of several interchangeable terms in Jones that all equate "linear," "straight" and "normal."

It becomes plain to those skilled in the art that Jones seeks to have straight chain alkyl-substituted aromatic compounds and provides specific processes to form such straight chain aromatics. Those straight chain aromatics would inherently have certain characteristic selectivities. The Applicant respectfully submits that those characteristic selectivities are inherently different from the selectivity of the claimed product. In that regard, the Applicant fully discloses his process for producing the claimed composition.

The Applicant invites the Examiner's attention to Claim 1 in the first paragraph wherein the Applicant separates "lightly branched" hydrocarbons from the other hydrocarbons which may be linear and/or highly branched. The Applicant's lightly branched hydrocarbons are the acyclic paraffins having two or three primary carbons atoms. The result is that the Applicant provides a stream of acyclic hydrocarbons having two or three primary carbon atoms which are the lightly branched hydrocarbons. At that point, there is substantially no linear hydrocarbons and no highly branched hydrocarbons. The claimed hydrogenation and alkylation are applied to the lightly branched hydrocarbons and result in the claimed selectivity of the composition.

Inasmuch as Jones starts with linear chain reactants and clearly teaches the production of linear chain products, and the Applicant affirmatively causes his reactants to be lightly branched to produce a lightly branched product, it inherently follows that the selectivities of the products of Jones are inherently different from the selectivity of the Applicant's claimed composition.

The Applicant respectfully submits that this demonstration of the fact that the claimed selectivities of the Applicant's composition are necessarily different from the selectivities of the Jones' products means that the rejection based on inherency is not sustainable. The Applicant therefore respectfully submits that Jones does not apply to Claims 1-21 under 35 U.S.C. §102. Withdrawal of that portion of the rejection is respectfully requested.

The §103 rejection essentially relies on the proposition that "Jones repeatedly teaches that his desired alkylates have a straight chain nuclear alkyl substituent or a branched chain alkyl group containing two branches each of straight chain structure".

The Applicant respectfully submits that Jones leads those of skilled in the art away from the claimed composition. This is because Jones repeatedly leads those skilled in the art to conclude that it is "all-important" and an objective of Jones to obtain "maximum linearity" of the starting materials and the product. On the other hand, the Applicant chose the opposite direction and deliberately relies on lightly branched components, not straight components, to achieve particular selectivities.

The Applicant acknowledges the reference to Jones in column 4 at lines 11-14 with respect to the "degree of branching". The Applicant respectfully submits that those skilled in the art, of course, know that there can be varying degrees of branching in an alkyl chain and that this is changeable. The point is that Jones teaches those skilled in the art to reduce the degree of branching toward zero while, in sharp contrast, the Applicant took the opposite approach and deliberately introduces light branching into the alkyl chain. The Applicant therefore respectfully submits that the Applicant's pursuit of light branching that is the opposite of straight chains as taught by Jones is excellent evidence of the patentability of the Applicant's solicited claims over Jones under 35 U.S.C. §103. As such, the Applicant respectfully submits that Jones is inapplicable to the solicited claims and respectfully requests that the rejection be withdrawn.

In light of the foregoing, the Applicant respectfully submits that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury

Reg. No. 31,750

Arthur Gooding

Reg. No. 50,513

Attorneys for Applicant

TDC/vbm
(215) 656-3381